

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WAVERLY LICENSING LLC,

Plaintiff,

v.

POWER INTEGRATIONS, INC.,

Defendant.

Case No. 6:22-cv-1144-RP

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL R. HEADLEY IN SUPPORT OF
POWER INTEGRATIONS' MOTION TO DISMISS**

I, Michael R. Headley, declare as follows:

1. I am an attorney with the law firm of Fish & Richardson P.C., counsel for defendant Power Integrations, Inc. ("PI"). I have personal knowledge of the facts stated herein, except those that are stated on information and belief, and can testify competently thereto.

2. Attached as **Exhibit 1** is a true and correct copy of PI's Declaratory Judgment complaint that is being filed concurrently in the District of Delaware to address the merits of PI's dispute with Waverly and the real parties in interest regarding the '246 patent asserted in this case.

3. Attached as **Exhibit 2** is a true and correct copy of the Complaint filed by Waverly in Delaware asserting the same patent at issue in this case, U.S. Patent No. 10,938,246 B2 ("the '246 patent"), against Granite River Labs, D. Del. C.A. No. 22-cv-422-CFC.

4. Attached as **Exhibit 3** is true and correct copy of the Amended Complaint filed by Waverly in Delaware asserting the same '246 patent at issue in this case against AT&T Mobility, D. Del. C.A. No. 22-cv-420-CFC.

5. In addition to the two complaints attached as Exhibits 2-3, Waverly has filed other lawsuits in Delaware seeking to enforce the same '246 patent that is asserted in this case. *See D.*

Del. C.A. Nos. 22-cv-421-CFC (v. Fantasia Trading); 22-cv-423-CFC (v. Leviton Mfg.); 22-cv-424 (v. Otter Products); 22-cv-889-CFC (v. Monolithic Power Systems).

6. Attached as **Exhibit 4** is true and correct copy of the Complaint filed by Creekview IP LLC against Jabra Corporation in the District of Delaware asserting U.S. Patent No. 9,608,472 (“the ’472 patent”), which is a member of the same patent family as the ’246 patent at issue in this case. D. Del. C.A. No. 22-cv-426-CFC.

7. Attached as **Exhibit 5** is true and correct copy of the Complaint filed by Creekview against Skullcandy Inc. in Delaware asserting the ’472 patent, which is a member of the same patent family as the ’246 patent at issue in this case. D. Del. C.A. No. 22-cv-427-CFC.

8. In addition to the two complaints attached as Exhibits 4-5, Creekview has filed other lawsuits in Delaware seeking to enforce the ’472 patent that is in the same family as the ’246 patent at issue in this case. *See* D. Del. C.A. Nos. 21-cv-1685-CFC (v. Corsair Gaming); 21-cv-1686-CFC (v. Belkin); 22-cv-425-CFC (v. Best Buy); 22-cv-428-CFC (v. Zound).

9. The relationship between the ’246 patent at issue in this case and the ’472 patent asserted by Creekview IP in its Delaware lawsuits is apparent from the face of the ’246 patent, a true and correct copy of which is attached as **Exhibit 6**. Under the heading “Related U.S. Application Data” for the ’246 patent, which starts in the left column on the first page of the ’246 patent and continues in the left column of the second page of the patent, the ’246 patent is identified as a continuation in the same family as the ’472 patent (U.S. Patent No. 9,608,472).

10. According to a document filed with the U.S. Patent and Trademark office, a true and correct copy of which is attached as **Exhibit 7**, the ’246 patent at issue in this case and the ’472 patent asserted by Creekview in Delaware were both assigned from the original owner, Golba, LLC, to Array IP LLC on July 15, 2021. In that assignment, Array IP LLC identified itself as

having the same address that Waverly listed as its principal place of business in its complaint in this case (3333 Preston Road, Suite 300, Frisco, Texas 75034). In the initial assignment from Golba, LLC to Array IP LLC, Array IP LLC's principal also identified her e-mail address as linhd@ip-edge.com. (Exhibit 7 at 2.) The same person whose e-mail address was listed in the PTO records as the contact for Array IP LLC, Ms. Linh Deitz, currently identifies herself online as the office manager at IP Edge LLC, according to her LinkedIn profile. <https://www.linkedin.com/in/linh-deitz-8830028/>.

11. The address Waverly listed as its “principal place of business” in the complaint filed in this case (3333 Preston Road, Suite 300) is actually a Staples store, and Waverly's purported principal place of business within that “suite” is an open shelf. True and correct copies of photographs of the location of Waverly's purported place of business are included herein as **Exhibits 8-10** as shown below:



(Ex. 8.)



(Ex. 9.)



(Ex. 10.)

12. The IP Edge intermediary who acquired the '246 patent-in-suit before Waverly, Array IP LLC, shares the same business address (the Staples store) as Waverly and other IP Edge-affiliated entities, including Nimitz Technologies LLC, another of the entities that Chief Judge Connolly is investigating regarding its filings and disclosures in the context of its patent enforcement efforts in Delaware. As part of that investigation, Judge Connolly has held hearings regarding the corporate form and funding behind several IP Edge-related patent assertion entities, and a true and correct copy of the transcript from Judge Connolly's Nov. 4, 2022 hearing on this issue is attached as **Exhibit 11**. Moreover, Judge Connolly has issued orders regarding his investigation into the veracity of both Waverly and Creekview's corporate disclosures and their funding, true and correct copies of which are attached as **Exhibits 12-13**.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Redwood City, California on November 30, 2022.

Dated: November 30, 2022

FISH & RICHARDSON P.C.

By: /s/ Michael R. Headley

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**COUNSEL FOR DEFENDANT
 POWER INTEGRATIONS INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on November 30, 2022, and was served via CM/ECF on all counsel of record.

/s/ David E. Hoffman

David E. Hoffman